

**GAINESVILLE PLANNING AND APPEALS BOARD  
MINUTES OF MEETING  
DECEMBER 9, 2014**

**CALL TO ORDER** Chairman Johnson @ 5:30 p.m.

**Members Present:** Chairman Doyle Johnson, Vice-Chair Jane Fleming and Board Members Dexter Stanley, Connie Rucker, George Hokayem and John Snyder

**Members Absent:** Board Member Eddie Martin, Sr.

**Staff Present:** Community Development Director Rusty Ligon, Planning Manager Matt Tate and Recording Secretary Judy Foster

**Others Present:** Council Members George Wangemann and Myrtle Figueras

**MINUTES OF NOVEMBER 11, 2014**

**There was a motion to approve the minutes as presented.**

Motion made by Vice-Chair Fleming  
Motion seconded by Board Member Snyder  
**Vote – 6 favor, 1 absent (Martin)**

**NEW BUSINESS**

**A. Variance Request**

- 1) Request from **Cochran Properties, Inc.** to vary the front yard setback requirements on four existing lots consisting of 3.672± acres located on the southeast side of Springdale Road, northeast of its intersection with Park Street Place (a/k/a **1210, 1230, 1242 and 1248 Springdale Road NE**), having a zoning classification of Residential-I (R-I).  
Ward Number: Two  
Tax Parcel Number(s): 01-037-001-004, 005, 006 and 007  
Request: Four (4) single-family residential homes

**Staff Presentation:** Planning Manager Matt Tate stated that the applicant asked to withdraw the request because he believed he could proceed without the variance.

**There was a motion to accept the withdrawal request by the applicant.**

Motion made by Board Member Snyder  
Motion seconded by Board Member Stanley  
**Vote – 6 favor, 1 absent (Martin)**

**B. Rezoning Request**

- 1) Request from **Reuben Black** to rezone a 0.85± acre tract located on the east side of Longview Drive, southeast of its intersection with Springway Drive (a/k/a **1058 and 1064 Longview Drive NW**) from Planned Unit Development (P-U-D) to Residential-I (R-I).  
Ward Number: Two  
Tax Parcel Number(s): 01-074-003-015 and 021A  
Request: Single-family residential

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The subject property consists of two parcels and is located on the east side of Longview Drive, southeast of its intersection with Springway Drive. In 1989 the property was rezoned from Residential-I (R-I) to Planned Residential Development (now P-U-D) and was approved for six (6) detached residential condominiums. The condominiums use was never developed. The applicant states there are no specific plans to develop the property and would like to rezone the subject property back to its original zoning of Residential-I (R-I) to be more consistent with the neighborhood. Presently, the property contains a tennis court and a gazebo.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Density Residential* land use category. As well, the property is located within the *Traditional Neighborhoods* Character Area which supports the proposal.

The Planning Division staff is recommending conditional approval of this rezoning request based on the Comprehensive Land Use Plan and the adjacent/nearby single-family residential uses with the following condition:

The subject properties shall be combined by plat and recorded in order to bring the property into conformity. The property may be subdivided in the future upon meeting the requirements of the Gainesville Unified Land Development Code.

**Applicant's Presentation:** **Chris Elrod**, 4209 Oakwood Road in Oakwood, stated that he is an attorney representing the applicant. Mr. Elrod stated that Mr. Black's residential property backs up to the subject properties and he is seeking to rezone them back to the original zoning of R-I. Mr. Black purchased the subject properties from the previous owner when the condominium use never materialized and he wanted it rezoned in case he ever wants to sell the property. Mr. Elrod stated that the applicant is agreeable with the condition to combine the two lots, noting they would not be buildable or marketable anyway if not combined. Mr. Elrod stated that the rezoning better fits the character of the neighborhood and lessens the intensity of the use.

**FAVOR:** None

**OPPOSED:** None

**Planning and Appeals Board Comments:** None

**There was a motion to recommend conditional approval of the request to rezone 1058 and 1064 Longview Drive NW from Planned Unit Development (P-U-D) to Residential-I (R-I) as presented with the following condition:**

**The subject properties shall be combined by plat and recorded in order to bring the property into conformity. The property may be subdivided in the future upon meeting the requirements of the Gainesville Unified Land Development Code.**

Motion made by Board Member Stanley  
Motion seconded by Board Member Hokayem  
**Vote – 6 favor, 1 absent (Martin)**

**NOTE: Board Member Hokayem recused himself from the meeting at 5:37 p.m.**

**C. Zoning Amendment Request**

- 1) Request from **Treadwell and Deborah Syfan** to amend the existing Planned Unit Development (P-U-D) zoning on a 5.376± acres tract located at the cul-de-sac end of Greystone Road, west of Tommy Aaron Drive (a/k/a **3585 and 3589 Greystone Road NW**).

Ward Number: One

Tax Parcel Number(s): 10-105-006-001B and 045

Request: Four (4) single-family residential lots

**Staff Presentation:** Planning Manager Matt Tate gave the following staff presentation:

The applicant is proposing to amend the existing Planned Unit Development (P-U-D) zoning to allow a total of four (4) single-family lots. The subject property consists of two lots and is located at the northern edge of the city limits. The surrounding properties consist of single-family residential homes and undeveloped land zoned Residential-I-A (R-I-A) within the City of Gainesville and Residential-I (R-I), Vacation Cottage (V-C) and Agricultural Residential-III (AR-III) within unincorporated Hall County. The property is heavily wooded and is partly adjacent to Lake Lanier (Lake Knickerbocker). In August of 2003, the subject property was originally annexed and zoned Planned Residential Development, (now P-U-D) for three single-family lots ranging from 1.5± to 2.2± acres in size. The three lots were to have a minimum of 15-foot of road frontage and would share access through a common driveway easement. The applicant is now proposing to add one additional lot. The proposed lots are to range from 1.1± to 1.7± acres in size with road frontages no less than 10-feet per lot and would have a shared access easement off of the existing driveway from Greystone Road. The single-family lots located along Greystone Road range from 1.3± to 4.7± acres in size. One of the proposed lots will include an existing single-family structure which is to be renovated by the applicant for their personal residence. In addition, the applicant states that the lots will have restrictive covenants requiring minimum home sizes of 2,500 square feet.

The Gainesville 2030 Future Development Map for the City of Gainesville places the subject property within the *Low-Medium Density Residential* land use category, which includes areas containing or planned for single-family detached or semi-detached housing at a density not to exceed four dwelling units per acre. The proposed use has a density of 0.91 dwelling units per acre. According to the Character Area Map of the 2030 Gainesville Comprehensive Plan the property is located within the *Lake District* Character Area. The district stresses quality housing and the protection, conservation and restoration of the shoreline of Lake Lanier.

Planning Division staff is recommending conditional approval of this zoning amendment request based on the Comprehensive Plan and the surrounding residential land use with the following conditions:

1. The development standards within the applicant's narrative and concept plan shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.

2. The four (4) proposed lots shall have a minimum front yard building setback of 250-feet as shown on the applicant's concept plan.
3. Any improved access design identified onto Greystone Road shall be approved by the Gainesville Public Works Director and Hall County. All improvements shall be at the expense of the developer.

Mr. Tate reported that a petition was submitted from surrounding property owners in opposition of this request.

**Applicant's Presentation:** **Tread Syfan**, 700 Linsay-Baker Court, stated that he and his wife currently live one street over from the subject properties which he purchased in 2003. He petitioned to annex the subject properties into the City of Gainesville in order to gain access to public sewer. At the time, they wanted to tear down the existing house and build a new home on one of the lots but because of the recession that did not happen and they have decided to renovate the house and sell the other lots. He stated that he is only asking for one additional lot, noting that even with one additional lot, all of the lots will be at least 1.1 acres each which is comparable to some of the lots within the rest of the neighborhood as there are five other lots that are 1.5 acres in size. Mr. Syfan stated that with the proposed condition requiring a 250-foot no build front setback, the lots would appear larger because the houses would not be built near the cul-de-sac. He stated that because of the topography of the lots, the homes would be built on the back portion of the lots and would not be seen from the cul-de-sac and will have no impact on the neighborhood. He addressed what he felt were misstatements in the petition which was presented to the Board: 1) there are five lots out of the other fifteen lots in the neighborhood which are 1.5 acres in size and believed that his proposal is comparable to the neighborhood and that the minimum 2 acres in size noted in the petition is an exaggeration; 2) the proposal would not be a cluster-home development as the lots sizes are more than an acre each which is not consistent with cluster-homes; 3) an additional three or four more cars for one additional house would not cause an appreciable increase in traffic on Greystone Road; and 4) he disagrees that property values would decrease for the adjoining properties as a result of his proposal since he estimates that the price range for the homes to be built would be from \$400,000 to \$500,000. Mr. Syfan respectfully requested the approval of the Board.

**FAVOR:** None

**OPPOSED:** **Dave Gleason**, 3012 Chattahoochee Trace, stated that he is the President of the Lake Lanier-Knickerbocker Protective Association, presented a letter to the Board and then proceeded to read it. Mr. Gleason gave a brief history of Lake Knickerbocker. In summary, Mr. Gleason's concern is the effect that this proposal may have on Lake Knickerbocker as silt islands have been created by storm water runoff rushing regularly into its several tributaries over the years causing the lake to fill in. The Association recommended dams be erected in seven streams to help prevent further silt damage but there has been no response. He asked the Board to delay approval until a qualified authority can determine that additional development, over what is currently approved, will not further degrade the conditions of silting in Lake Knickerbocker.

**Jack Carey**, 3530 Greystone Road, stated that his neighbors asked him to share some history of the creation of the neighborhood which originally was a part of the Hooper Farm. Hooper Road which was a dirt road 40 years ago is now known as Tommy Aaron Drive. He stated that when the Hooper's died, the property was sold by sealed bid. Cecil Smith (Hooper's son-in-law), Lewis Foster, Melvin Davis, Joe Sartain and Jack

Carey purchased the property from the estate in 1977. He stated that Cecil Smith wanted to build a home on Lake Knickerbocker and Melvin Davis, Joe Sartain and Jack Carey wanted to build homes there. They constructed the road that is now in existence and paid for underground power. At the time, they all agreed that they would divide the property up into lots and they would all live there. Since Cecil Smith wanted a large lot on Lake Knickerbocker, they agreed that there would be one family dwelling on each lot. He stated that there was 46 acres which was divided into 16 lots, noting the neighborhood is heavily wooded, and there was plenty of room which is the way they like it. Mr. Carey stated that when Cecil Smith died, his wife Ethel (Hooper's daughter) sold the property to the Syfan's. Ethel Smith told Mr. Syfan at the time that the neighborhood was for single-family use and she understood it would be the Syfan's home. Mr. Carey stated that the lots were subdivided when it was annexed into the City and the lots have been for sale ever since. He believed the lots haven't sold because of the steep incline from the cul-de-sac down to Lake Knickerbocker and he doesn't think that adding another lot would help them sell. Mr. Carey stated that the proposal is for four families to share a driveway, noting that there are no other shared driveways within the subdivision and there shouldn't be. He stated that he was the first to build in the neighborhood back in 1978 and respects the neighborhood and his neighbors and he felt that the Syfan's should be good neighbors and honor the desires of the people who live there.

**Mike Casper**, 3570 Greystone Road, stated that his property adjoins the two tracts on the north side. He stated that he was excited when the Syfan's purchased the 5 acres in 2003, but when they annexed into the City, instead of having one residence on the 5 acre tract, they subdivided it into three lots. The neighborhood was concerned because no other lots had been subdivided in that fashion. Mr. Casper stated that they took their concerns to Mr. Syfan and was assured that if the neighbors would not oppose the annexation; the Syfan's would build their home there and make it a quality development. Mr. Casper was also concerned that these homes would be right next door to him so Mr. Syfan offered to give him a setback so the homes would be built at the back of the property instead of at the cul-de-sac. Mr. Casper stated that he attended the annexation public hearing and publicly withdrew his opposition since Mr. Syfan had given him and his neighbors these assurances. He stated that nothing had ever formalized for the setback by 2007, so he contacted Mr. Syfan who then obtained a survey and gave him a "Declaration of Restrictive Covenants for Lot 3 of Greystone Enclave" which restricted building within 265-feet off the cul-de-sac. Mr. Casper asked Planning Manager Matt Tate if Mr. Syfan mentioned the restriction to him. Mr. Tate stated no. Mr. Carey questioned if Mr. Syfan was "locked in" to the three lots because of the restriction. He felt that the Syfan's should keep the promises they made with the neighborhood and in which the neighborhood embraced and did not oppose and stay with only the three lots that have already been approved. Mr. Casper requested that the Board deny the request or at least table it and ask the City Attorney for an opinion regarding the restriction which he believed is binding and locks Mr. Syfan in. He stated that his legal rights can't be taken away by changing the definition of the lots.

Mr. Casper asked if those in opposition of this request could stand and be recognized. Chairman Johnson stated yes. There were thirteen people who stood up in opposition.

**REBUTTAL:** Mr. Syfan stated that the restriction Mr. Casper spoke of applies to real estate and is a matter of record that cannot be changed and something which he will honor. He stated that the restriction will apply to the contract when he sells that particular lot, noting that the restriction is only fifteen more feet than the proposed condition of 250-feet. Mr. Syfan stated that he is not suggesting he would not honor the

restriction, but the restriction has nothing to do with the zoning request. Mr. Syfan stated that the property has already been approved for three lots so he is requesting only one more lot and doesn't see how one more lot could have any effect on Lake Knickerbocker. He stated that he too is not happy with the silt coming from residential developments from farther north on the creek, but these lots would not create more silt.

**Planning and Appeals Board Comments:** Board Member Stanley stated that the applicant has enough land to make an extra lot and didn't know why he should be denied the right to have another lot since each will be about 1.5 acres.

**There was a motion to recommend conditional approval of the request to amend the existing Planned Unit Development (P-U-D) located at 3585 and 3589 Greystone Road as presented with the following conditions:**

**Conditions**

- 1. The development standards within the applicant's narrative and concept plan shall be made part of the zoning ordinance, and shall be subject to the Community Development Director approval.**
- 2. The four (4) proposed lots shall have a minimum front yard building setback of 250-feet as shown on the applicant's concept plan.**
- 3. Any improved access design identified onto Greystone Road shall be approved by the Gainesville Public Works Director and Hall County. All improvements shall be at the expense of the developer.**

Motion made by Board Member Stanley  
**Motion died for lack of second**

Board Member Snyder asked Planning Manager Matt Tate to address the setback issue. Mr. Tate stated that he can only address the proposed zoning condition which would require a minimum front yard building setback of 250-feet and if there is a binding agreement which would require a 265-foot setback, then that would be between Mr. Syfan and Mr. Casper.

Mr. Syfan clarified that the 265-foot setback only applied to the lot adjoining Mr. Casper's property.

Mr. Casper stated that the binding agreement he has references Lot 3 and if another lot is added, the proposal is such that the lot adjoining his property would be Lot 4 and whether or not that would make the agreement invalid.

Chairman Johnson stated that the agreement between Mr. Syfan and Mr. Casper is not within the Board's purview as they are not attorneys.

**There was a motion to table the request until the January 13, 2015, Planning and Appeals Board meeting.**

Motion made by Board Member Snyder  
**Motion died for lack of second**

Vice-Chair Fleming stated that she sympathized with both the applicant and those in opposition; however, she believed the original intention of the development is being lost since the approval of the three lots was granted and now more of a variation is requested.

**There was a motion to recommend denial of the request to amend the existing Planned Unit Development (P-U-D) located at 3585 and 3589 Greystone Road.**

Motion made by Vice-Chair Fleming

Motion seconded by Board Member Snyder

**Vote – 4 favor, 1 opposed (Stanley), 1 recusal (Hokayem), 1 absent (Martin)**

## **ADJOURNMENT**

**There was a motion to adjourn the meeting at 6:15 PM.**

Motion made by Board Member Stanley

Motion seconded by Board Member Snyder

**Vote – 5 favor, 2 absent (Martin, Hokayem)**

Respectfully submitted,

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Doyle Johnson, Chairman

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Judy Foster, Recording Secretary